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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/399,696 09/21/99 CHOU

K ST9-99-093

EXAMINER

TM02/1011

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WASHINGTON DC 20037-3213

NEILVEN T

ART UNIT

PAPER NUMBER

2172  
DATE MAILED:

10/11/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

## Office Action Summary

Application No.

09/399,696

Applicant(s)

CHOU ET AL.

Examiner

Tam V Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 1-4, 7-10, and 13-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Chang et al. (US 6263342B1).

Re claims 1 and 13, Chang discloses a method of searching for data in one or more heterogeneous data sources within a computer system, the method comprising step of: receiving a request for data at a federated data source, (Col. 40, lines 38-Col. 41, lines 28 and see fig. 9); and selecting a server to process the request based on a load of the server and based on whether the server can satisfy the request for data (when the Federated Datastore Server receiving a query from the client, the Federated Datastore Server scans through the DL, OD, VI, and DB2 Sever Classes and determines which Server Classes will satisfy the user request.), (Col. 40, lines 30-Col. 43, lines 56 and see fig. 9).

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Re claims 2, 8, and 14, Chang discloses the method of claim 1, further comprising forwarding the request to the selected server, (Col. 40, lines 30-Col. 43, lines 56 and see fig. 9).

Re claims 3, 9, and 15, Chang discloses the method of claim 2, further comprising forwarding additional requests for similar data to the selected server, (Col. 40, lines 30-Col. 43, lines 56 and see fig. 9).

Re claims 4, 10, and 16, Chang discloses the method of claim 1, wherein the server is within a server hierarchy, (Col. 40, lines 30-Col. 43, lines 56 and see fig. 9).

Re claim 7, Chang discloses an apparatus for searching for data in one or more heterogeneous data sources, comprising: a computer system having one or more heterogeneous data sources, (Col. 40, lines 38-Col. 41, lines 6 and see fig. 9); and one or more computer programs, preformed by the computer system, for receiving a request for data at a federated data source and selecting a server to process the request based on a load of the server based on whether the server can satisfy the request for data (when the Federated Datastore Server receiving a query from the client, the Federated Datastore Server scans through the DL, OD, VI, and DB2 Sever Classes and determines which Server Classes will satisfy the user request.), (Col. 40, lines 38-Col. 41, lines 6 and see fig. 9)

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5-6, 11-12, and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang et al. (US 6263342B1) in view of Choquier et al. (US 5951694).

Re claims 5, 11, and 17, Chang fails to show the method of claim 1, further comprising, upon receiving a request to add another server, connecting the server to an existing server in the server hierarchy based on a number of connections of the existing server.

Choquier teaches the method of claim 1, further comprising, upon receiving a request to add another server, connecting the server to an existing server in the server hierarchy based on a number of connections of the existing server, (Col. 24, lines 13-Col. 25, lines 5). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Chang by including upon receiving a request to add another server, connecting the server to an existing server in the server hierarchy based on a number of connections of the existing server, as taught by

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Choquier, so that servers will not unnecessarily be taken from or added to the service group, (Col. 24, lines 13-33).

Re claims 6, 12, and 18, Choquier discloses the method of claim 1, further comprising, upon receiving a request to delete an existing server in the hierarchy, deleting that server, (Col. 24, lines 13-Col. 25, lines 5).

### **Conclusion**

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lacquit et al. (US 5557785) shows object oriented multimedia information system using information and multiple classes to manage data having various structure and dedicated data managers.

Claar (US 6275870B1) shows network object request broker.

Fowlow (US 6260078B1) shows using a distributed object system to find and download java-based application.

Ranger (US 5999940) shows interactive information discovery tool and methodology.

Lowell (US 6012086) shows internet event timer recording for video an/or audio.

Hawes (US 6026436) shows system for cloning document processing related settings in a document processing system.

**Contact Fax Information**

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**Or Faxed to:**

(703) 308-9051, (for formal communication intended for entry)

**Or:**

(703) 308-5399, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA. Sixth Floor (Receptionist).

**Contact Information**

**6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tam Nguyen whose telephone number is (703) 305-3735. The examiner can normally be reached on Monday through Friday from 7:30 AM to 5:00 PM.**


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Yen Vu, can be reached on (703) 305-4393. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-5399.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

TV: tv

10/01/2001



Jean M. Cornelio  
patent examine  
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